

150 Elm Street  
Montpelier, VT 05602  
January 6, 2014

Representative William J. Lippert, Chair  
Administrative Hearing Officers Study Committee  
State House  
115 State Street  
Montpelier, VT 05602

Dear Representative Lippert,

Thank you for allowing me to submit written testimony regarding your committee's study of the administrative hearing officer's methods of responding to request for a fair hearing from decisions made by State of Vermont agencies directly affecting the life of a citizen.

This work clearly indicates a high level of confusion and disorder caused by a piecemeal patchwork by individual agencies. The damage currently being done to the poorest and most vulnerable of Vermont citizens by actions and lack of actions of Vermont's administrative processes is incalculable. The report from Mark Oettinger outlines clearly that fairness and impartiality of hearings is reasonably questioned.

Judicial review is always (eventually) available after the exhaustion of administrative remedies which potentially leaves the citizen physically, emotionally and financially exhausted. It is shattering to realize that a large amount of tax payer dollars is being spent administratively denying a full due process of law. The Supreme Court of Vermont should not be the only place a citizen is sure to be heard by an unbiased government entity.

The fact that slightly more than half of all American states have some form of centralized fair hearing system indicates Vermont does not have to reinvent this wheel but can choose from the success of others in guaranteeing citizen's rights. Most harmful is the obvious conflict of interest in agencies where their own staff attorneys are chosen as "fair hearing officers". This appears to be in direct opposition to attorneys being mindful of the Vermont Rules of Professional Conduct. Enclosed please find a copy of same.

I greatly admire the courage and fortitude it takes to do work of this complexity. It is essential that the present methods used by fair hearing officers not continue. In its current form it is an assault to every Vermonter, both those in need and those who believe the Vermont State system works.

Sincerely,

  
Margaret Murray

Cc: To all committee members from attached list.  
Vermont Rules of Professional Conduct

Due to the pressures of time, this letter will be hand delivered to the Vermont Statehouse to all committee members.